

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 22-11025-RGS

CURTIS HOWELL

v.

PLANET FITNESS, BOSTON POLICE DEPARTMENT, DEPARTMENT OF
JUSTICE [F.T.C, F.B.I.], SUFFOLK COUNTY DISTRICT ATTORNEY and
VERIZON

ORDER

October 4, 2022

On August 16, 2022, this court dismissed this action and plaintiff filed a notice of appeal. Plaintiff's case in this court under Docket No. 22- is closed and the notice of appeal divests this district court of jurisdiction. *See* 28 U.S.C. § 1291.

Plaintiff has continued to file post-judgment documents in this case. On September 21, 2022, this court instructed plaintiff to cease filing motions or pleadings in this closed case. Dkt. No. 31. However, this has not deterred plaintiff, and on October 3, 2022, plaintiff filed a notice and motion for default. Dkt. Nos. 32, 33.

The court finds that plaintiff's continued filing of unmeritorious motions is an abuse of the process of this court for the administration of

justice. Plaintiff is advised that a district court has the power to sanction litigants who abuse the court system by filing groundless and vexatious litigation. *Elbery v. Louison*, 201 F.3d 427, 1999 WL 1295871 at *2 (1st Cir. Dec. 17, 1999) (per curiam) (citing *Cok v. Family Court of Rhode Island*, 985 F.2d 32, 34 (1st Cir. 1993)). Plaintiff is warned that he could be subject to sanctions, including monetary sanctions, should he continue to file pleadings in this closed case.

Accordingly, plaintiff's motion for default, Dkt. No. 33, is DENIED and plaintiff is ORDERED to stop filing additional pleadings on the docket of this closed case.

SO ORDERED.

/s/ Richard G. Stearns
UNITED STATES DISTRICT JUDGE